

JUDGE KAPLAN

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

10 CIV 8128

C.V. STARR & CO., INC.

Plaintiff,

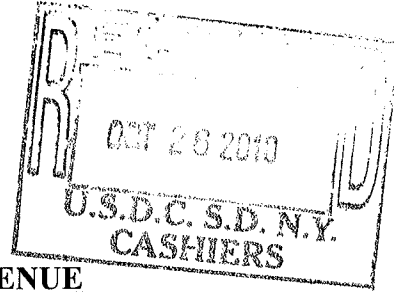
-against-

STARLINE USA, LLC,

Defendant.

Civil Action No.

COMPLAINT



JURISDICTION AND VENUE

1. This action arises under the Trademark Act of 1946, 15 U.S.C. § 1051, et seq., as amended (the “Lanham Act”). This Court has original jurisdiction over this action under 28 U.S.C. §§ 1331 and 1338(a) and 15 U.S.C. §§ 1116, 1121, 1125 and 1126.
2. This Court has personal jurisdiction over each Defendant in that each Defendant is doing business in this District and/or is transacting business or can be found in this District.
3. Venue is proper in this Court pursuant to 28 U.S.C. § 1391(b) in that this is the District in which a substantial part of the events giving rise to the claims hereinafter set forth occurred.

THE PARTIES

4. Plaintiff, C.V. Starr & Co., Inc. is a corporation organized and existing under the laws of the State of Delaware, having its principal place of business at 399 Park Avenue, New York, NY 10022 (hereinafter “C.V. Starr”).

5. Upon information and belief, Defendant StarLine USA, LLC is a corporation organized and existing under the laws of the State of Delaware, doing business and/or transacting

business throughout this District, and having a principal place of business at 180 Teaticket Highway, East Falmouth, Massachusetts 02536 (hereinafter "StarLine").

FACTS APPLICABLE TO ALL CAUSES OF ACTION

6. For over five decades, Plaintiff, C.V. Starr, through its subsidiaries, has offered a variety of insurance and insurance-related services.

7. Plaintiff, C.V. Starr has used since at least as early as January 1, 1953 and is the owner of the trademark, service mark, and trade name C.V. STARR and STARR used alone or in conjunction with other words and/or designs, including various star designs, for a variety of goods and services, including without limitation insurance products and services (the "STARR Marks").

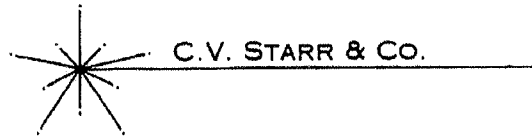
8. Plaintiff has extensively advertised and promoted its insurance services bearing its STARR Marks, and has spent substantial sums of money advertising and promoting its services.

9. Due to Plaintiff's extensive use and advertising of its STARR Marks, such marks and trade name have come to be recognized by consumers as indicating insurance services emanating from Plaintiff.

10. Plaintiff is the owner of the entire right, title and interest in and to, *inter alia*, the common law mark and trade name, C.V. STARR ("Plaintiff's Trade Name") and the following valid and subsisting trademarks registered in the United States Patent and Trademark Office :

(a) C.V. STARR & CO., INC., Registration No. 2877409, registered in respect of "insurance underwriting services, namely commercial property and casualty insurance;"

(b) C. V. STARR & CO. (and Star Design), Registration No. 2926969, registered in respect of "insurance underwriting services, namely commercial property and casualty insurance";



(c) CV STARR & CO. INC. (and Star Design), Registration No. 3752654, registered in respect of “insurance underwriting in the field of life, accident and health”;



(d) STARR MARINE (and Star Design), Registration No. 3587646, registered in respect of “property and casualty insurance underwriting agency services”;



(e) STARR GLOBAL ACCIDENT & HEALTH (and Star Design), Registration No. 3573228, registered in respect of “property and casualty insurance underwriting and agency services; insurance underwriting in the field of life, accident and health”;



Copies of printouts depicting these trademarks are annexed hereto as **Exhibit A**. (All trademarks owned by Plaintiff, both registrations and at common law shall be collectively referred to as “Plaintiff’s Trademarks.”)

11. Plaintiff’s Trademarks and Plaintiff’s Trade Name and the goodwill of the business associated therewith in the United States are of great and incalculable value, and have become associated in the public mind with the products and services of the very highest quality and reputation finding their source in Plaintiff.

DEFENDANT'S ACTIVITIES

12. Plaintiff has learned that Defendant has recently advertised and offered for sale at the RIMS 2010 meeting and on its website, located at www.starlinegroup.com and otherwise, insurance underwriting services in the medical, life, accident, health, disability and stop loss fields (the "StarLine Services") under the designation "Star Line" (as two words) and incorporating a "Star" design therewith as shown below. Annexed as **Exhibit B** is a photocopy of the RIMS 2010 advertisement.



13. Upon information and belief, up until 2010, Defendant used the name "Starline" as one word, and without a Star Design. In fact Defendant is the owner of Trademark Registration No. 2492783 for the mark "Starline Group"; which obviously Starline uses as one word.

14. Upon information and belief, Defendant is incorporated in the State of Delaware, and its incorporation shows "Starline" used as one word. See attached as **Exhibit C**.

15. Such use by Defendant is long subsequent to Plaintiff's use of Plaintiff's Trademarks and Plaintiff's Trade Name. Plaintiff's investigation reveals that, unless enjoined by Plaintiff, Defendant intends to continue their usage of the name "Star Line" with the star design, notwithstanding the fact that Plaintiff has notified Defendant of its rights herein.

16. Defendant has performed the aforementioned acts without Plaintiff's permission or authority and without any legitimate license.

17. Defendant's unlawful activities result and will result in irreparable harm and injury to Plaintiff. Among other harms, these acts deprive Plaintiff of its absolute right to

determine the manner in which its image is presented to the general public; deceive the public as to the origin and sponsorship of Defendant's StarLine services; wrongfully trade upon Plaintiff's reputation and exclusive rights in Plaintiff's Trademarks and Plaintiff's Trade Name; and damage consumers' perception of Plaintiff and its services.

COUNT I

FEDERAL TRADEMARK INFRINGEMENT

18. Plaintiff repeats and realleges paragraphs 1 through 17 of this Complaint as if fully set forth herein.

19. Upon information and belief, notwithstanding Plaintiff's well known and prior rights in Plaintiff's Trademarks and Plaintiff's Trade Name, Defendant is now offering insurance services with marks which are copies of Plaintiff's Trademarks.

20. Defendant's use of copies or simulations of Plaintiff's Trademarks is likely to cause confusion, mistake and deception among the general purchasing public as to the origin of Defendant's insurance services, and is likely to deceive the public into believing that the Defendant's services originate from, are associate with or are otherwise authorized by Plaintiff, all to the damage and detriment of Plaintiff's reputation, goodwill and sales.

21. Defendant's aforesaid actions constitute trademark infringement in violation of Section 32 of the Lanham Act, 15 U.S.C. §1114.

22. Upon information and belief, Defendant's aforesaid activities are willful and intentional and in that they are with knowledge of Plaintiff's Trademarks and Plaintiff's Trade Name.

23. Plaintiff has no adequate remedy at law and, if Defendant's activities are not enjoined, will continue to suffer irreparable harm and injury to its goodwill and reputation.

COUNT II

TRADEMARK INFRINGEMENT – FALSE DESIGNATION OF ORIGIN

24. Plaintiff repeats and realleges paragraphs 1 through 23 of this Complaint as if fully set forth herein.

25. By misappropriating and using a mark with similarities Plaintiff's Trademarks and Plaintiff's Trade Name, Defendant misrepresents and falsely describes to the general public the origin and source of the insurance services offered by them and create a likelihood of confusion by ultimate purchasers as to both the source and sponsorship of such insurance services.

26. Defendant's unlawful, unauthorized and unlicensed use of a mark which simulates Plaintiff's Trademarks and Plaintiff's Trade Name creates the express and/or implied misrepresentation that its insurance services are authorized or approved by Plaintiff.

27. Defendant's aforesaid acts are in violation of Section 43(a) of the Lanham Act, 15 U.S.C. § 1125(a), in that Defendant's use, in connection with its services, constitutes a false designation of origin in interstate commerce.

28. Plaintiff has no adequate remedy at law and, if Defendant's activities are not enjoined, will continue to suffer irreparable harm and injury to its goodwill and reputation.

WHEREFORE, Plaintiff respectfully prays that this Court grant the following relief as to each of the above causes of action:

(A) Order that all signs, cartons, catalogs, flyers or other printed matter bearing Plaintiff's Trademarks and/or Plaintiff's Trade Name or colorable imitations of same and all machinery, plates, molds, matrices or other material for producing, printing or distributing such items in the possession or control of Defendant be delivered up for destruction or other disposition at Plaintiff's sole discretion;

(B) Issue a permanent injunction prohibiting Defendant from advertising or operating its insurance company using copies of Plaintiff's Trademarks and Plaintiff's Trade Name;

(C) Issue an order enjoining Defendant from making any false descriptions or representations relating to the origin or nature of Defendant's insurance services, including unauthorized use of copies of Plaintiff's Trademarks and/or Plaintiff's Trade Name, or making any misrepresentations Defendant's insurance services are associated with or emanate from Plaintiff;

(D) Grant Plaintiff an equitable accounting of Defendant's profits and award Plaintiff judgment for its damages or Defendant's profits, whichever are greater, arising from Defendant's trademark infringement, false designation of origin, such damages to be trebled pursuant to 15 U.S.C. § 1117 and otherwise by reason of the willfulness of Defendant's acts in duplicating Plaintiff's Trademarks and/or Plaintiff's Trade Name, and/or operating Defendant's insurance services with the express or implied representation through the use of Plaintiff's Trademarks and Plaintiff's Trade Name that Defendant's insurance services emanate from or are associated with Plaintiff; and

(E) Award Plaintiff such other remedies as the Court deems reasonable, and just.

Dated: New York, New York
October 26, 2010

COWAN, LIEBOWITZ & LATMAN, P.C.

By: 
Arlana S. Cohen

1133 Avenue of the Americas
New York, New York 10036
Tel: (212) 790-9237
Fax: (212) 575-0671
Attorneys for Plaintiff

Altogether, Exhibit A is a 30% reduction in the number of pages of the document.



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C.V. STARR & CO., INC.

Word Mark

C.V. STARR & CO., INC.

Goods and Services

IC 036. US 100 101 102. G & S: Insurance underwriting services, namely commercial property and casualty insurance. FIRST USE: 19530101. FIRST USE IN COMMERCE: 19530101

Standard Characters

Claimed

Mark Drawing Code (4) STANDARD CHARACTER MARK

Serial Number 78260636

Filing Date June 10, 2003

Current Filing Basis 1A

Original Filing Basis 1A

Published for
Opposition June 1, 2004Change In
Registration CHANGE IN REGISTRATION HAS OCCURRED

Registration Number 2877409

Registration Date August 24, 2004

Owner (REGISTRANT) C.V. STARR & CO. CORPORATION CALIFORNIA 101 Second Street, 25th Floor San Francisco CALIFORNIA 94105

(LAST LISTED OWNER) C. V. STARR & CO., INC. CORPORATION DELAWARE 399 Park Avenue, 17th Floor New York NEW YORK 10022

Assignment
Recorded

ASSIGNMENT RECORDED

Attorney of Record Arlana S. Cohen, Esq.

Prior Registrations 1570227;1601345

Disclaimer NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "& CO. INC." APART FROM THE MARK AS SHOWN

Type of Mark SERVICE MARK

Register PRINCIPAL

Affidavit Text SECT 15. SECT 8 (6-YR).

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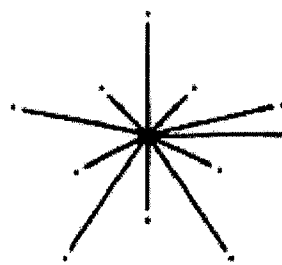
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C.V. STARR & CO.

Word Mark

C. V. STARR & CO.

Goods and Services

IC 036. US 100 101 102. G & S: Insurance underwriting services, namely commercial property and casualty insurance. FIRST USE: 20041101. FIRST USE IN COMMERCE: 20041101

Mark Drawing Code

(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS

Design Search Code

01.01.05 - Stars - one or more stars with seven or more points

01.01.06 - Stars with rays or radiating lines

24.17.14 - Ampersands (&); At symbol (@); Brackets, punctuation; Commas; Diacritical marks; Exclamation points (!); Punctuation marks; Question marks (?)

26.17.13 - Letters or words underlined and/or overlined by one or more strokes or lines; Overlined words or letters; Underlined words or letters

Serial Number

78260628

Filing Date

June 10, 2003

Current Filing Basis

1A

Original Filing Basis

1B

Published for Opposition

June 1, 2004

Registration Number

2926969

Registration Date

February 15, 2005

Owner

(REGISTRANT) C.V. STARR & CO. CORPORATION CALIFORNIA 101 Second Street, 25th Floor San Francisco CALIFORNIA 94105

Assignment Recorded

ASSIGNMENT RECORDED

Attorney of Record Arlana S. Cohen, Esq.
Prior Registrations 1570227;1601345
Disclaimer NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE & CO. APART FROM THE MARK AS SHOWN
Description of Mark The mark consists of a star with a line and C.V. Starr & Co. .
Type of Mark SERVICE MARK
Register PRINCIPAL
Other Data The name in the mark is not the name of a living individual.
Live/Dead Indicator LIVE

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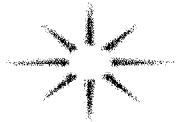
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C. V. STARR & CO., INC.

Word Mark	CV STARR & CO INC.
Goods and Services	IC 036. US 100 101 102. G & S: Insurance underwriting in the field of life, accident and health. FIRST USE: 20081201. FIRST USE IN COMMERCE: 20081201
Mark Drawing Code	(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS
Design Search Code	01.05.04 - Sun with rays but neither partially exposed nor with facial features
Trademark Search Facility Classification Code	LETS-2 CV Two letters or combinations of multiples of two letters NOTATION-SYMBOLS Notation Symbols such as Non-Latin characters, punctuation and mathematical signs, zodiac signs, prescription marks SHAPES-ASTRO Astronomical shapes consisting of celestial bodies, globes and geographical maps SHAPES-BAR-BANDS Designs with bar, bands or lines SHAPES-MISC Miscellaneous shaped designs
Serial Number	77139195
Filing Date	March 23, 2007
Current Filing Basis	1A
Original Filing Basis	1B
Published for Opposition	February 12, 2008
Change In Registration	CHANGE IN REGISTRATION HAS OCCURRED
Registration Number	3752654
Registration Date	February 23, 2010

Owner (REGISTRANT) C. V. Starr & Co., Inc. CORPORATION DELAWARE 399 Park Avenue, 17th Floor
New York NEW YORK 10022

Attorney of Record Arlana S. Cohen

Prior Registrations 2877409;2926969

Disclaimer NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "& CO. INC." APART FROM THE MARK AS SHOWN

Description of Mark Color is not claimed as a feature of the mark.

Type of Mark SERVICE MARK

Register PRINCIPAL

Live/Dead Indicator LIVE

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Word Mark	STARR MARINE
Goods and Services	IC 036. US 100 101 102. G & S: Property and casualty insurance underwriting agency services. FIRST USE: 20061113. FIRST USE IN COMMERCE: 20061113
Mark Drawing Code	(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS
Design Search Code	01.01.06 - Stars with rays or radiating lines
Trademark Search Facility Classification Code	SHAPES-ASTRO Astronomical shapes consisting of celestial bodies, globes and geographical maps SHAPES-TRIANGLES Triangular shaped designs and marks including incomplete triangles
Serial Number	77036000
Filing Date	November 3, 2006
Current Filing Basis	1A
Original Filing Basis	1B
Published for Opposition	April 3, 2007
Registration Number	3587646
Registration Date	March 10, 2009
Owner	(REGISTRANT) C. V. Starr & Co., Inc. CORPORATION DELAWARE 399 Park Avenue, 17th Floor New York NEW YORK 10022
Attorney of	Arlana S. Cohen, Esq.

Record

Prior Registrations 1570227;1601345;2877409;AND OTHERS

Disclaimer NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "MARINE" APART FROM THE MARK AS SHOWN

Description of Mark Color is not claimed as a feature of the mark.

Type of Mark SERVICE MARK

Register PRINCIPAL

Live/Dead Indicator LIVE

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Word Mark	STARR GLOBAL ACCIDENT & HEALTH
Goods and Services	IC 036. US 100 101 102. G & S: Property and casualty insurance underwriting and agency services; Insurance underwriting in the field of life, accident and health. FIRST USE: 20070101. FIRST USE IN COMMERCE: 20070101
Mark Drawing Code	(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS
Design Search Code	01.01.05 - Stars - one or more stars with seven or more points 26.01.21 - Circles that are totally or partially shaded.
Trademark Search Facility Classification Code	NOTATION-SYMBOLS Notation Symbols such as Non-Latin characters,punctuation and mathematical signs,zodiac signs,prescription marks SHAPES-ASTRO Astronomical shapes consisting of celestial bodies, globes and geographical maps SHAPES-CIRCLE Circle figures or designs including semi-circles and incomplete circles
Serial Number	77151749
Filing Date	April 9, 2007
Current Filing Basis	1A
Original Filing Basis	1B
Published for Opposition	September 25, 2007
Registration Number	3573228
Registration Date	February 10, 2009
Owner	(REGISTRANT) C. V. Starr & Co., Inc. CORPORATION DELAWARE 399 Park Avenue, 17th Floor New York NEW YORK 10022

Attorney of Record Arlana S. Cohen, Esq.

Prior Registrations 1570227;1601345;2877409;AND OTHERS

Disclaimer NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "GLOBAL ACCIDENT & HEALTH" APART FROM THE MARK AS SHOWN

Description of Mark Color is not claimed as a feature of the mark.

Type of Mark SERVICE MARK

Register PRINCIPAL

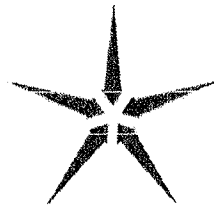
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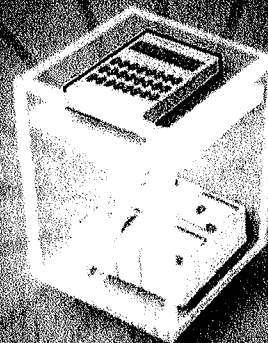
THE NEXT GENERATION OF
TOOLS FOR MANAGING RISK



STAR LINE

passionate about managing risk

RIMS 2010
STOP BY BOOTH 2209
FOR YOUR
CHANCE TO WIN
\$20,000!



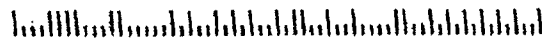
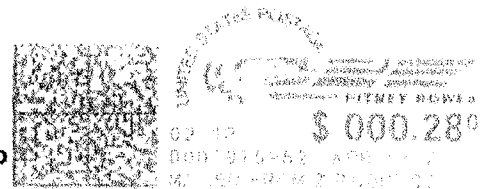
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Benefit coverage missed and provide a suite of
products and services ready to be customized to
fit unique employer and employee needs.**

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- International Advantage
- Executive Advantage
- Select Advantage
- Reinsurance Advantage

Chuck Dangelo
Starr Indemnity & Liability Co
399 Park Avenue
New York, NY 10022

Call us at 877-876-3261 or visit starlinegroup.com.
We look forward to working with you.

SPECIALTY BENEFITS | STOP LOSS | MANAGED CARE



JOHN DICKINSON PLANTATION | PHOTO BY JEFFREY BOWER

Department of State: Division of Corporations

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Entity Details

THIS IS NOT A STATEMENT OF GOOD STANDING

File Number: **3162307** Incorporation Date / **01/19/2000**
(mm/dd/yyyy)
Formation Date:

Entity Name: **STARLINE USA, LLC**

Entity Kind: **LIMITED
LIABILITY
COMPANY
(LLC)** Entity Type: **GENERAL**

Residency: **DOMESTIC** State: **DE**

REGISTERED AGENT INFORMATION

Name: **USA CORPORATE SERVICES INC.**

Address: **3500 SOUTH DUPONT HIGHWAY**

City: **DOVER** County: **KENT**

State: **DE** Postal Code: **19901**

Phone: **(800)891-7432**

Additional Information is available for a fee. You can retrieve Status for a fee of \$10.00 or more detailed information including current franchise tax assessment, current filing history and more for a fee of \$20.00.

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